

**AMENDMENT TO H.R. 2851**

**OFFERED BY MR. PALLONE**

**[As forwarded by the Subcommittee on Health]**

Amend section 2(b) to read as follows:

1       (b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE

2   ACT.—

3           (1) GROUP MARKETS.—Subpart 2 of part A of  
4       title XXVII of the Public Health Service Act (42  
5       U.S.C. 300gg–4 et seq.) is amended by adding at  
6       the end the following new section:

7   **“SEC. 2707. COVERAGE OF DEPENDENT STUDENTS ON**  
8       **MEDICALLY NECESSARY LEAVE OF ABSENCE.**

9       “(a) MEDICALLY NECESSARY LEAVE OF ABSENCE.—

10   In this section, the term ‘medically necessary leave of ab-  
11   sence’ means, with respect to a dependent child described  
12   in subsection (b)(2) in connection with a group health  
13   plan, a leave of absence of such child from a postsecondary  
14   educational institution (including an institution of higher  
15   education as defined in section 102 of the Higher Edu-  
16   cation Act of 1965), or any other change in enrollment  
17   of such child at such an institution, that—

18           “(1) commences while such child is suffering  
19       from a serious illness or injury;

1 “(2) is medically necessary; and

2 “(3) causes such child to lose student status for  
3 purposes of coverage under the terms of the plan.

4 “(b) REQUIREMENT TO CONTINUE COVERAGE.—

5 “(1) IN GENERAL.—In the case of a dependent  
6 child described in paragraph (2), a group health  
7 plan (or a health insurance issuer that provides  
8 health insurance coverage in connection with a group  
9 health plan) shall not terminate coverage of such  
10 child under such plan or health insurance coverage  
11 due to a medically necessary leave of absence before  
12 the date that is the earlier of—

13 “(A) the date that is 1 year after the first  
14 day of the medically necessary leave of absence;  
15 or

16 “(B) the date on which such coverage  
17 would otherwise terminate under the terms of  
18 the plan or health insurance coverage.

19 “(2) DEPENDENT CHILD DESCRIBED.—A de-  
20 pendent child described in this paragraph is, with re-  
21 spect to a group health plan, a beneficiary under the  
22 plan who—

23 “(A) is a dependent child, under the terms  
24 of the plan, of a participant or beneficiary of  
25 the plan; and

1           “(B) was enrolled in the plan (or health in-  
2           surance coverage offered in connection with the  
3           plan), on the basis of being a student at a post-  
4           secondary educational institution (as described  
5           in subsection (a)), immediately before the first  
6           day of the medically necessary leave of absence  
7           involved.

8           “(3) CERTIFICATION BY PHYSICIAN.—Para-  
9           graph (1) shall apply to a group health plan (or  
10          health insurance coverage offered by an issuer in  
11          connection with a group health plan) only if the plan  
12          or issuer has received written certification by a  
13          treating physician of the dependent child which  
14          states that the child is suffering from a serious ill-  
15          ness or injury and that the leave of absence (or  
16          other change of enrollment) described in subsection  
17          (a) is medically necessary.

18          “(c) NOTICE.—A group health plan, and a health in-  
19          surance issuer providing health insurance coverage in con-  
20          nection with a group health plan, shall include, with any  
21          notice regarding a requirement for certification of student  
22          status for coverage under the plan or coverage, a descrip-  
23          tion of the terms of this section for continued coverage  
24          during medically necessary leaves of absence. Such de-

1 scription shall be in language which is understandable to  
2 the typical plan participant.

3 “(d) NO CHANGE IN BENEFITS.—A dependent child  
4 whose benefits are continued under this section shall be  
5 entitled to the same benefits as if (during the medically  
6 necessary leave of absence) the child continued to be a  
7 covered student at the institution of higher education and  
8 was not on a medically necessary leave of absence.

9 “(e) COVERAGE UNDER SUCCESSOR PLAN.—If a  
10 plan sponsor changes group health plans after the first  
11 day of a medically necessary leave of absence of a depend-  
12 ent child described in subsection (b) but before the date  
13 described under subsection (b)(1), and such new group  
14 health plan offers coverage of beneficiaries as dependent  
15 children, such new group health plan shall be subject to  
16 this section in the same manner as the predecessor group  
17 health plan.”.

18 (2) INDIVIDUAL MARKET.—Subpart 3 of part B  
19 of title XXVII of such Act (42 U.S.C. 300gg–51 et  
20 seq.) is amended by adding at the end the following  
21 new section:

22 **“SEC. 2753. COVERAGE OF DEPENDENT STUDENTS ON**  
23 **MEDICALLY NECESSARY LEAVE OF ABSENCE.**

24 “The provisions of section 2707 shall apply to health  
25 insurance coverage offered by a health insurance issuer

- 1 in the individual market in the same manner as they apply
- 2 to health insurance coverage offered by a health insurance
- 3 issuer in connection with a group health plan in the small
- 4 or large group market.”.

